THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Civil Misc. Writ Petition (M/S) No. 274 of 2006
(Under Article 227 of the Constitution of India)

Sri Girish Chand Juyal S/O Late Sri Ravi Dutt Juyal
R/o 41, Rajpur, Road, Dehradun.

… **Petitioner.**

Versus

1. Civil Judge (Senior Division) Dehradun.
2. Sri Satish Chand Juyal, S/O Late Sri Ravi Dutt Juyal R/O 41, Rajpur Road, Dehradun.
3. Sri Sirish Chand Juyal, S/O Late Sri Ravi Dutt Juyal Doctors Social Sciences, S-4-S-OA-2 University of Sascs, Sascachevan, Canada through its Attorney Sri Rajnish Chand Juyal S/O Sri Girish Chand Juyal R/O 41, Rajpur Road, Dehradun.
4. Smt. Pushpalata Juyal W/O Late Sri Basant Kumar Juyal R/O village Kinsu Thatude, P.O. Kinsu District Tehri Garhwal.

… **Respondents.**

Sri V.K.Kohli, Sr. Adv. Assisted by Sri I.P.Kohli, learned counsel for the petitiner.
Sri Nand Prasad, Learned Standing Counsel for the respondent No. 1.

Dated March 24, 2006.

PC:
(Hon'ble B.S.Verma, J.)

Heard learned counsel.

The petitioner has filed the present Writ Petition to issue a writ, order or direction in the nature of mandamus commanding the Civil Judge (Senior Division), Dehradun (respondent no.1) to decide the Original Suit No. 43 of 2000, Sri Satish Chand Juyal Vs. Sri Sirish Chand Juyal and others expeditiously.

Relevant facts are that the respondent no. 2 has filed the suit for partition in the court of the respondent no.1 against the petitioner and respondent no. 3 and 4 others in the year 2000, which

was registered as Suit No. 43 of 2000. It is alleged that the respondent no.2-plaintif obtained ad interim injunction in the suit and thereafter, the plaintiff is adopting delay tactics so as prolong the disposal of the suit on one pretext or the other and he is not interested to get the suit decided expeditiously and the proceedings of the suit are being adjourned on the application of the respondent no.2. It is alleged that the petitioner is an old man of 72 years and does not have good health. Admittedly the suit is pending since the year 2000.

In the facts and circumstances of the case and taking into consideration that Suit No. 43 of 2000 has become quite old it is fit case in which direction for expeditious disposal be issued to the respondent no.1.

The learned Civil Judge (Sr.Division), Dehradun is directed to decide the aforesaid O.S. No. 43 of 2000 pending disposal in his court preferably within a period of six months in accordance with law on merit from the date of production of certified copy of this order.

With the aforesaid observation, the Writ Petition is disposed of finally.

(B.S. Verma, J.)

RCP